Common Law — Part VII: Property, Allodial Title, and the Illusion of Ownership

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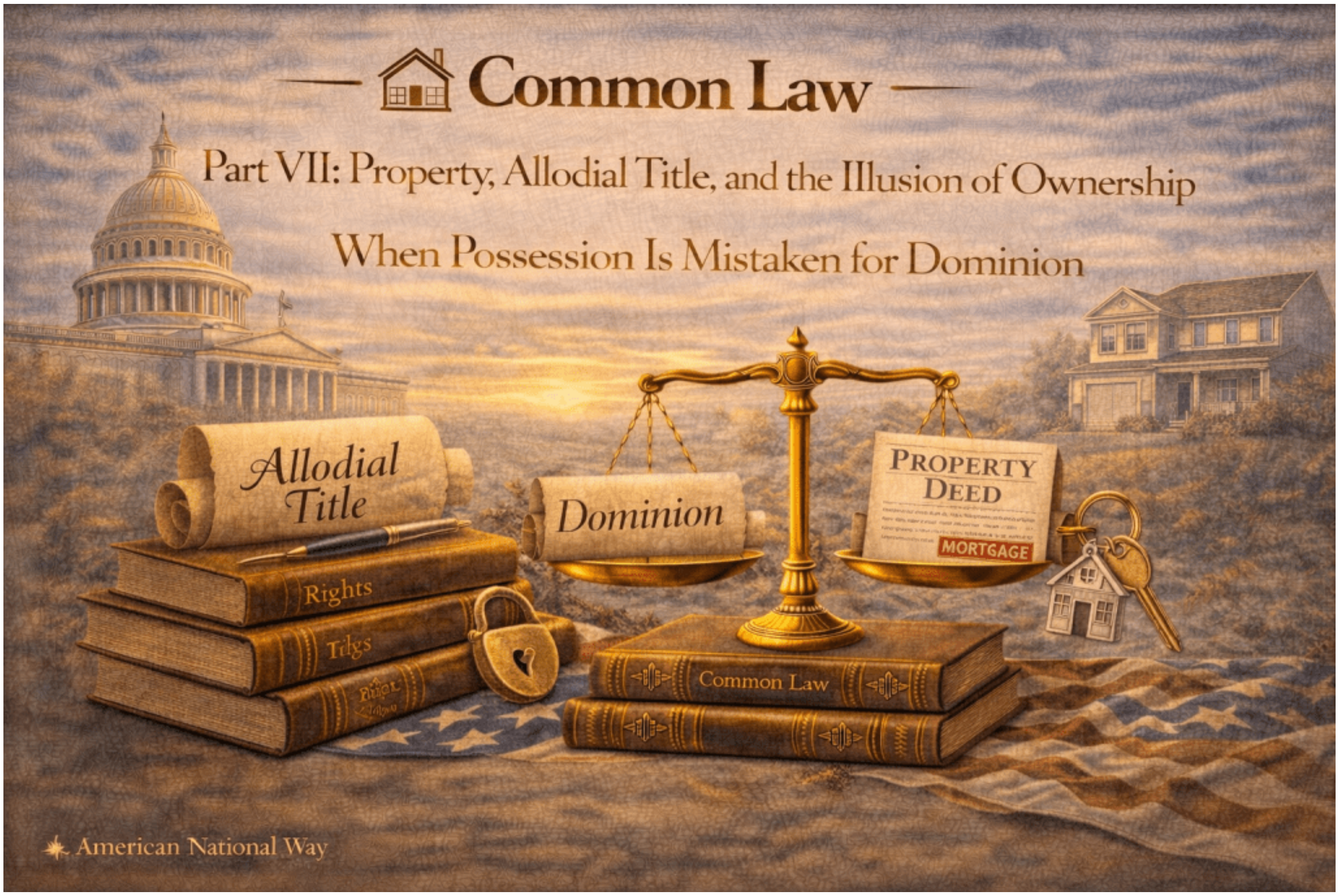

*This article is part of a structured series based on the work of John Quade. Each installment builds on the previous one. If you're new here, I strongly recommend starting with the **[Series Introduction]**, which explains the purpose, scope, and proper way to read this work.*

The Question Everyone Assumes Is

Settled

Most people believe they understand property.

They paid for it.
They maintain it.
They insure it.
They defend it.

So the question seems absurd:

> ***Do you actually own what you call “your property”?***

John Quade insists this question is not philosophical — it is legal.

Ownership vs. Tenure

Historically, ownership implied **dominion**:

- Control without superior
- Possession without condition
- Use without permission

This form of ownership was known as **allodial title**.

Allodial title meant property was held **absolutely**, owing no duty, fee, or service to any higher authority.

By contrast, **tenure** means property is held:

- Conditionally

- Subject to obligations
- At the pleasure of a superior

Quade argues that most modern “ownership” resembles tenure — not allodial dominion.

What Is Allodial Title?

Black’s Law Dictionary defines *allodial*.

In plain terms, it means:

> ***Property held in one’s own absolute right, without obligation to any lord or superior.***

In early America, this concept mattered deeply.

It is why:

- A man’s home was his castle
- Property could not be arbitrarily seized
- Government power stopped at the threshold

How America Changed the Old World Model

In Europe:

- Only kings held allodial title
- Everyone else paid feudal duties

After independence, Congress passed multiple acts guaranteeing **allodial title** to ordinary men and women.

This was revolutionary.

It placed citizens on equal legal footing with monarchs.

Quade argues this was not symbolic — it was structural.

🧾 The Taxation Test

Quade offers a blunt diagnostic:

> ***If you pay recurring taxes on property, you do not hold it allodially.***

Why?

Because taxation implies:

- Ongoing obligation
- Superior authority
- Conditional possession

True ownership cannot be revoked for non-payment of rent.

Yet modern property can be seized for unpaid taxes — even if fully "paid off."

This reveals the underlying relationship.

Title vs. Certificate of Title

Here, Quade exposes a subtle but powerful distinction.

A **title** is ownership.

A **certificate of title** is evidence issued by an authority acknowledging registration.

They are not the same.

When property is registered:

- Ownership is converted into record
- Record is held by the state
- Compliance becomes the condition

The certificate looks like ownership — but functions as **surety**.

Why This Feels Normal

Most people never question property status because:

- The system is inherited
- Alternatives are not discussed
- Complexity discourages inquiry

Quade notes that normalization is the most effective form of control.

> *What is never questioned never has to justify itself.*

⚠️ When Ownership Is Tested

The illusion only breaks when:

- Taxes go unpaid
- Codes are violated
- Permits are denied
- Liens are imposed

At that moment, “ownership” reveals its conditions.

Quade’s argument is not sentimental:

> *Property that can be seized without crime is not truly owned.*

Property as Leverage

Under administrative systems, property serves another function:

It becomes **leverage**.

Taxes, fees, and compliance obligations ensure behavior — not justice.

Property, once a shield, becomes a handle.

Why This Matters

Property is the material foundation of liberty.

Without secure ownership:

- Independence erodes
- Families destabilize
- Communities weaken

Quade warns that a people who do not control their property cannot meaningfully govern themselves.

What Comes Next

If property once stood protected by higher authority, then the next question follows:

What role did the church once play in shielding people from state power — and what happened to that protection?

— Next: Part VIII — The Church, Jurisdiction, and the Price of Tax Exemption